

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRANDY LEA BIRDWELL

Petitioner,

v.

VICKI FREEMAN, Warden,

Respondent.

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Case No. 3:14-mc-0918

Judge Campbell

ORDER

The Court entered a deficiency order on July 23, 2014 (ECF No. 3) directing petitioner Brandy Lea Birdwell, a state prisoner incarcerated at the Tennessee Prison for Women, to submit either the \$5.00 filing fee or an Application to Proceed in District Court without Prepaying Fees or Costs. The order directed the petitioner to comply with its directive within 30 days of the date the order was filed. The Court's electronic docket does not reflect when, if ever, the order was received by the Tennessee Prison for Women. Nonetheless, more than 30 days has passed since entry of the deficiency order, and the petitioner has not submitted either the required filing fee or an application to proceed without prepaying the fee. The Court cannot review or consider a § 2254 habeas petition unless the petitioner has either submitted the filing fee or been granted leave to proceed *in forma pauperis*.

This action is therefore **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and failure to comply with the Court's directive.

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58.



TODD CAMPBELL
United States District Judge